

REMARKS

In the Office Action of August 8, 2007, the Examiner withdrew the prior rejections based on 35 USC 102 and 35 USC 103. However, the Examiner issued a new ground of rejection of claims 1, 6-12, 16 and 19 under 35 USC 102(e) based on Conrad et al. (US2005/0091755). Claims 3-5, and 13-15 were rejected under 35 USC 103(a) as being obvious over Conrad et al.

The Examiner stated that the 102(e) rejection could be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in Conrad et al. was derived from the inventor of this application, or by an appropriate showing under 37 CFR 1.131. The Examiner also stated that the 103(a) rejection could be overcome by the same two methods as described with respect to the 102(e) rejection, and also by an oath or declaration under 37 CFR 1.130 regarding common ownership, together with a terminal disclaimer.

Presented herewith is a declaration of Joel Luckman, one of the co-inventors of the present invention, and also one of the co-inventors of the Conrad et al. application. In his declaration, Joel Luckman attaches certain slides of a PowerPoint presentation that was made by several of the co-inventors of the present application to other members of the teams of persons working together on a project that resulted in the filing of both the present application and the Conrad et al. application. This declaration and the accompanying exhibit clearly demonstrates that the inventors of the present application had conceived and reduced to practice the claimed subject matter of the present invention prior to the date of application of the Conrad, et al. application.

It should be pointed out that the Examiner, in making the rejections over Conrad et al. erroneously refers to US Patent No. 6,063,135 as corresponding to the Conrad et al. published application. However, that US Patent is not the Conrad et al. application, and the Conrad et al. application is still currently pending, and has not issued as a patent.

Nevertheless, the Luckman declaration demonstrates that Conrad et al. cannot function as a prior art reference against the present application and therefore the final rejection should be withdrawn, and a Notice of Allowance of all of the pending claims of the application should be issued.

Should the Examiner discover there are remaining issues which may be resolved by a telephone interview, she is invited to contact Applicants' undersigned attorney at 312-987-2917.

Applicants look forward to receiving a Notice of Allowance of all of the claims remaining in the application.

Respectfully submitted,

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